

**RECEIVED  
CENTRAL FAX CENTER****UNITED STATES PATENT AND TRADEMARK OFFICE****JUL 13 2005**

**Applicant:** Stephen Robert Manley  
**Serial No.:** 10/018,076  
**Filed:** June 5, 2002  
**For:** HARD TURNING  
**Group Art Unit:** 3722  
**Examiner:** Willmon Fridle Jr.

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent & Trademark Office as (703) 872-9306.

Date: July 13, 2005

  
Kristina Black**PETITION FOR WITHDRAWAL OF A  
HOLDING OF ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. This case derives from International Application Number PCT/GB00/01821 having an International Filing Date of May 12, 2000.

2. Attorney for Applicant Daniel C. Stelter ("Stelter") made a first submission of items for a filing under 35 U.S.C. 371 (the "371 Filing") on December 4, 2001. Stelter at that time was in-house counsel for UNOVA, Inc, ("UNOVA") and had responsibility for patent applications filed by UNOVA UK Limited, a wholly owned subsidiary of UNOVA. Stelter's office was at that time located in Cincinnati, Ohio.

3. Following the 371 Filing, the Patent Office sent Stelter a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated Office (the "Notification") dated February 26, 2002, indicating a list of deficiencies in the 371 Filing, including the omission of an oath or declaration of the inventors. The Notification identified the case by Serial Number 10/018076.

4. In response to the Notification, Stelter filed on May 24, 2002, a Declaration Under 37 C.F.R. §1.63 and Appointment Of Power Of Attorney (the "Power of Attorney"). The Power of Attorney appointed M. Michael Carpenter, Brian L. Ribando (Ribando) and Daniel C. Stelter to transact all business in the Patent Office in connection with the case. The Power of Attorney also requested that communications be directed to Stelter. Attached hereto as Exhibit A is a copy of the Power of Attorney filed in this case.

5. On January 1, 2003, Ribando became associated with the firm of Reising, Ethington, Barnes, Kisselle PC, and thereafter Ribando's relationship with UNOVA was that of attorney/client.

6. In December, 2003, Stelter's office moved from Cincinnati, Ohio to Hebron, Kentucky.

7. Stelter left the employment of UNOVA effective December 31, 2003. Stelter's UNOVA case files were turned over to Ribando for further handling.

8. A Non-Final Office Action addressed to Stelter at the Cincinnati, Ohio address was issued in this case on June 16, 2004. The Non-Final Office Action was redirected to Ribando's office and received on June 25, 2004. Attached hereto as Exhibit B is a copy of the Non-Final Office Action.

9. The Non-Final Office Action set a shortened period for response of three (3) months; thus a response was due in this case on September 16, 2004.

10. Ribando filed an Amendment in this case on August 27, 2004, prior to the expiration of the three (3) month period of response. The Amendment included a PTO/SB/122, a Change of Correspondence Address, requesting that the Correspondence Address for the patent application be changed to Customer Number 40443, Ribando. The PTO/SB/122 was signed by Ribando who had power of attorney in the case (see 4. above). The Amendment also included a check for payment of additional claims filed in this case as a result of the Amendment. Attached hereto as Exhibit C is a copy of Ribando's Amendment as filed, including the Change of Correspondence Address.

11. Ribando received a return receipt postcard date stamped August 30, 2004 indicating receipt of the Amendment by the Patent Office. Attached hereto as Exhibit D is a copy of the date stamped return receipt postcard.

12. On June 6, 2005, Ribando received a voice mail message from Examiner Will Fridie indicating that case Serial Number 10/018076 had been abandoned.

13. On June 6, 2005, Ribando telephoned Examiner Fridie to discuss the particulars of the case. Examiner Fridie indicated that in response to the Amendment filed on August 27, 2004, an Office Action had been mailed to Stelter, the attorney who had filed the case.

14. Ribando stated that the Office Action should have been mailed to Ribando in view of the Change of Correspondence Address that had been filed in the case. Ribando also stated that he had never received the Office Action.

15. Fridie agreed that the Office Action should have been mailed to Ribando instead of Stelter in view of the Change of Correspondence Address that had been filed in the case. Fridie stated that he would look into reviving the case "from his end".

16. On June 21, 2005, Ribando left a voice mail for Fridie inquiring as to any progress made by Fridie in reviving the case.

17. To the present date, Ribando has received no further information from Examiner Fridie regarding the revival of this case.

18. At no time did Applicant intend to abandon this case.

19. At no time did Applicant fail to file a timely response or pay a required fee in this case.

20. Attorney for Applicant Ribando now files this PETITION FOR WITHDRAWAL OF A HOLDING OF ABANDONMENT, and requests that the Office Action sent to Stelter in response to the Amendment filed in this case on August 27, 2004, be sent to Ribando.

21. Ribando further states that he has done everything required to prosecute this case in a timely and proper manner, and that under the facts as stated above, the Abandonment of this case is solely due to the Patent Office failing to correspond with Ribando as requested in the Change of Correspondence Address filed in this case.

22. It is believed that no fees are due in connection with the filing of this petition. In the event that a fee or fees are due, either under 37 C.F.R. 1.17(l) or 37 C.F.R. 1.17(m), or for any other fee that is required for the filing of this Petition or the revival of this case, authorization is hereby given to charge Deposit Account 50-0852. A Duplicate copy of this sheet is enclosed.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.



Brian L. Ribando  
Registration No. 27,109  
P.O. Box 4390  
Troy, Michigan 48099  
(248) 689-3500

Date: July 13, 2005